

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

RICKY WAYNE KIRKLAND, <i>individually</i>	§	
<i>and as personal representative of the estate of</i>	§	
<i>Terri Thompson Kirkland, deceased,</i>	§	
	§	
<i>Plaintiff,</i>	§	
	§	CIVIL ACTION No. 1:16-CV-261
v.	§	
	§	JUDGE RON CLARK
BUCKLEY TRANSPORT, INC., et al.,	§	
	§	AFC
<i>Defendants.</i>	§	

**VERDICT FORM**

**Question No. 1**

Did one or more acts of negligence of those named below proximately  
cause the injuries in question to **Ricky Kirkland**?

Answer "Yes" or "No" as to each:

Ricky Kirkland Yes

Cravin Brock No

Buckley Transport, Inc. No

Proceed to Page 2.

**Question No. 2**

Did one or more acts of negligence of those named below proximately cause the injuries in question to **Terri Kirkland**?

Answer "Yes" or "No"

Ricky Kirkland Yes

Cravin Brock No

Buckley Transport, Inc. No

Terri Kirkland No

If you have answered "No" to both Cravin Brock and Buckley Transport, Inc. for Question 1 and Question 2, do not answer the remaining questions. The foreperson should initial and date this Verdict Form on page 13. Otherwise, proceed to Page 3.

If you answered “Yes” to Question 1, then answer Question 3. Otherwise, proceed to page 4 and do not answer Question 3.

Assign percentages of responsibility only to those you found caused or contributed to cause **Ricky Kirkland’s** injuries in Question 1. The percentages you find must total 100 percent. The percentages must be expressed in whole numbers. The percentage of responsibility attributable to any one is not necessarily measured by the number of acts or omissions found. The percentage attributable to any one need not be the same percentage attributed to that one in answering another question.

**Question No. 3**

For each person you found caused or contributed to cause the injury in question, find the percentage of responsibility attributable to each:

Ricky Kirkland	_____ %
Cravin Brock	_____ %
Buckley Transport, Inc.	_____ %
Total	_____ 100 %

Proceed to Page 4.

If you answered “Yes” to Question 2, then answer Question 4. Otherwise, proceed to page 5 and do not answer Question 4.

Assign percentages of responsibility only to those you found caused or contributed to cause **Terri Kirkland’s** injuries in Question 2. The percentages you find must total 100 percent. The percentages must be expressed in whole numbers. The percentage of responsibility attributable to any one is not necessarily measured by the number of acts or omissions found. The percentage attributable to any one need not be the same percentage attributed to that one in answering another question.

**Question No. 4**

For each person you found caused or contributed to cause the injury in question, find the percentage of responsibility attributable to each:

Ricky Kirkland	_____ %
Cravin Brock	_____ %
Buckley Transport, Inc.	_____ %
Terri Kirkland	_____ %
Total	_____ 100 %

Proceed to Page 5.

Answer Question 5 if you answered “Yes” to Question 1 for Buckley Transport, Inc., or for Cravin Brock, or for both, and answered either:

1. “No” for Ricky Kirkland in Question 1; or
2. *50 percent* or less for Ricky Kirkland in Question 3.

Otherwise, do not answer Question 5, and proceed to page 8.

**Question No. 5**

What sum of money, if paid now in cash, would fairly and reasonably compensate Ricky Kirkland for damages, if any, resulting from the vehicle collision in question?

Consider the elements of damages listed below and none other. Consider each element separately. Do not award any sum of money on any element if you have otherwise, under some other element, awarded a sum of money for the same loss, if any. That is, do not compensate twice for the same loss, if any. Do not include interest on any amount of damages you find.

Do not reduce the amounts in your answers because of the negligence, if any, that you have attributed to Ricky Kirkland in Questions 1 or 3. Any recovery will be determined by the court when it applies the law to your answers at the time of judgment.

Answer separately, in dollars and cents, if any.

- a. Physical pain and mental anguish sustained by Ricky Kirkland in the past.

Answer: \_\_\_\_\_

- b. Physical pain and mental anguish that, in reasonable probability, Ricky Kirkland will sustain in the future.

Answer: \_\_\_\_\_

- c. Lost earnings in the past.

Answer: \_\_\_\_\_

- d. Loss of earning capacity that, in reasonable probability, Ricky Kirkland will sustain in the future.

Answer: \_\_\_\_\_

- e. Physical impairment sustained by Ricky Kirkland in the past.

Answer: \_\_\_\_\_

- f. Physical impairment that, in reasonable probability, Ricky Kirkland will sustain in the future.

Answer: \_\_\_\_\_

- g. Reasonable expenses of necessary medical care incurred by Ricky Kirkland in the past.

Answer: \_\_\_\_\_

h. Disfigurement sustained by Ricky Kirkland in the past.

Answer: \_\_\_\_\_

i. Disfigurement that, in reasonable probability, Ricky Kirkland will sustain in the future.

Answer: \_\_\_\_\_

Proceed to page 8.

Answer Question 6 if you answered “Yes” to Question 2 for Buckley Transport, Inc., or for Cravin Brock, or for both, and answered either:

1. “No” for Terri Kirkland and Ricky Kirkland in Question 2; or
2. *50 percent* or less for Terri Kirkland in Question 4.

Otherwise, do not answer Question 6 and proceed to page 10.

**Question No. 6**

What sum of money, if paid now in cash, would fairly and reasonably compensate Terri Kirkland for damages, if any, resulting from the vehicle collision in question?

Consider the elements of damages listed below and none other. Consider each element separately. Do not award any sum of money on any element if you have otherwise, under some other element, awarded a sum of money for the same loss, if any. That is, do not compensate twice for the same loss, if any. Do not include interest on any amount of damages you find.

Do not reduce the amounts in your answers because of the negligence, if any, that you have attributed to Terri Kirkland or Ricky Kirkland in Questions 2 or 4. Any recovery will be determined by the court when it applies the law to your answers at the time of judgment.



Answer separately, in dollars and cents, if any.

- a. Physical pain and mental anguish sustained by Terri Kirkland before her death.

Answer: \_\_\_\_\_

- b. Reasonable expenses of necessary medical care incurred by Terri Kirkland before her death.

Answer: \_\_\_\_\_

If you answered “Yes” for Buckley Transport, Inc. in Question 1 or 2, and you answered more than \$0 on any subsection of Question 5 or 6, then answer Question 7. Otherwise, do not answer Question 7 and proceed to page 11.

**Question 7**

Do you find by clear and convincing evidence that the injuries to Ricky Kirkland or Terri Kirkland resulted from **Buckley Transport, Inc.’s** gross negligence?

Answer “Yes” or “No”

Answer: \_\_\_\_\_

Proceed to Page 11.

If you answered “Yes” for Buckley Transport, Inc. in Question 1 or 2, and you answered more than \$0 on any subsection of Question 5 or 6, answer Question 8. Otherwise, do not answer Question 8 and proceed to page 12.

**Question 8**

Do you find by clear and convincing evidence that the injuries to **Ricky Kirkland or Terri Kirkland** resulted from **Cravin Brock’s** gross negligence?

Answer “Yes” or “No”

Answer: \_\_\_\_\_

Proceed to Page 12.

If you answered “Yes” in Question 7, then answer Question 9. Otherwise, do not answer Question 9 and proceed to page 13.

**Question 9**

What sum of money, if any, should be assessed against **Buckley Transport, Inc.** and awarded to Ricky Kirkland as exemplary damages for the conduct found in response to Question 7?

Factors to consider in awarding exemplary damages, if any, are -

1. The nature of the wrong.
2. The character of the conduct involved.
3. The degree of culpability of the wrongdoer.
4. The situation and sensibilities of the parties concerned.
5. The extent to which such conduct offends a public sense of justice and propriety.

Answer separately, in dollars and cents, if any.

Answer: \_\_\_\_\_

Proceed to Page 13.

If you answered "Yes" in Question 8, then answer Question 10. Otherwise, do not answer Question 10.

**Question 10**

What sum of money, if any, should be assessed against **Cravin Brock** and awarded to Ricky Kirkland as exemplary damages for the conduct found in response to Question 8?

Factors to consider in awarding exemplary damages, if any, are -

1. The nature of the wrong.
2. The character of the conduct involved.
3. The degree of culpability of the wrongdoer.
4. The situation and sensibilities of the parties concerned.
5. The extent to which such conduct offends a public sense of justice and propriety.

Answer separately, in dollars and cents, if any.

Answer: \_\_\_\_\_

The foreperson is requested to initial and date this document in the space provided below as the unanimous verdict of the jury.

7/14/17

DATE

N.M.G.

FOREPERSON